

GIBSON'S SUBSTITUTE.

Speaker Gibson's Proposed Olive Branch to the Disturbed Elements of Austin.

Full Text of the Substitute for Chenoweth's Railroad Bill Which Was Adopted.

A bill to be entitled "An act to further provide for the regulation of railroad and transportation lines in the state of Texas, and to provide for the creation of the office of, and appointment of a state engineer and his secretary, and their salaries and duties; and to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this state, and to prescribe a mode of procedure in relation thereto."

Sec. 2. The state engineer shall receive an annual salary of three thousand dollars. In traveling upon the line of any railway in this state, in the discharge of his duties, he shall also be entitled to charge for the actual amount paid out for railway fare and traveling expenses, in no case to exceed four dollars per day. In excess of railway fare paid, and should any railway company voluntarily provide said state engineer with free transportation over its line, he shall be authorized to accept the same in behalf of the state, and shall not charge the state the amount which would otherwise be paid for such transportation. He shall, in his report, state the amount paid by him for transportation on each railway line in the state, also what railway lines have provided him with free transportation.

Section 3. Be it enacted by the legislature of the state of Texas, That the governor shall appoint, by and with the advice and consent of the state engineer, experienced in the construction and maintenance of railways, who shall be state engineer, who shall hold his office for two years, or until his successor is qualified, but shall be subject to removal by the governor at any time. In case of removal the governor may appoint a successor until the meeting of the next legislature, when said appointment shall be submitted to the senate for approval.

Sec. 4. The office of the state engineer shall be in the capital building in the city of Austin, in rooms to be designated by the secretary of state. There shall be allowed the state engineer, for office furniture, stationery, postage and other office expenses, one thousand dollars per annum. The state engineer shall employ a secretary, who shall be a competent draughtsman, and perform such duties as may be required by the state engineer. The secretary of the state engineer shall receive a salary of fifteen hundred dollars per annum. The salary of the state engineer and his secretary shall be paid monthly from the state treasury. All vouchers for traveling and office expenses of the state engineer shall be paid upon certified vouchers approved by the governor.

Sec. 5. Before entering upon the duties of his office, the state engineer and his secretary each shall subscribe to the following oath, in addition to the usual oath of office: "I do further swear (or affirm) that I am not connected, officially or otherwise, with any railroad company or transportation line, either within or outside of this state, and that I am not a stockholder, or in any manner interested in any railroad company or transportation line, whatever, so help me God."

Sec. 6. The state engineer shall perform such duties as are now or may hereafter be prescribed by law, and shall, twice in each year, and at such other times as he may deem it necessary, carefully inspect the railroads in this state and keep himself informed of the condition of the same, and manner in which they are operated, with the special reference to the safety, and proper accommodation of the public, which inspection shall include the condition of road-bed, track and bridges, character and condition of cars, station houses, platforms and other facilities incident to transportation business. Should such inspection indicate a non-compliance with the law on the part of any railroad, such non-compliance may be presented in proper and official form to the attorney-general, who may proceed to investigate and enforce penalty for dereliction, according to existing statutes, or as hereinafter provided.

Sec. 7. The state engineer shall, on the first day of December of each year, make a report to the governor of all matters pertaining to his office, and especially report upon the inspection of all the railroads in the state, and he shall incorporate in said report any suggestions he may have to make in regard to changes in existing laws connected with the management and control of railroads in this state. He shall also, whenever required by the governor, make a special report of the inspection authorized and required under this act of any railroad in this state.

Sec. 8. Be it further enacted by the legislature of the state of Texas, that charges for transportation on each direction shall be uniform, and any unjust discrimination in the rates or charges for the transportation of any freight made against any person or place, or any railroad operated in this state, is declared to be unlawful. If any railroad corporation shall willfully charge, collect, or receive from any person, or persons, for the transportation of any freight upon its railroad, a higher or greater rate of toll or compensation than it shall charge, collect, or receive from any other person, or persons, for the use or transportation of any railroad car, or cars, upon its railroad, a higher or greater sum than it shall charge, collect, or receive from any other person, or persons, for the use or transportation of any car or cars of the same class for a like purpose from the same point in the same direction, and an equal distance, all such discriminating rates, charges, or collections, whether made directly or by means of any rebate, or other shift or evasion, shall be considered and taken as prima facie evidence of extortion and unjust discrimination, which

is hereby prohibited and declared unlawful. And any railroad company, or companies, for such violation of law shall forfeit and pay to the person or persons injured thereby the sum of five hundred dollars, to be recovered before any court having jurisdiction of the amount, in any county through or into which the freight may have been transported.

Sec. 9. Where the railroads within this state receive goods for transportation into their warehouses or depots, they shall forward them in the order in which they are received. The first received to be the first forwarded, without giving the preference to one over another; and in case of failure to do so they shall be liable for all loss accruing while the goods remain, and for all damage occasioned or in anywise resulting from delay; provided, that the trip or voyage shall be considered as having commenced from the time of the signing of the bill of lading, and as having ended upon the arrival of freight at point of destination, and written notice served upon the consignee that it is ready for delivery upon payment of freight and charges. It is further provided that should the consignee of the goods fail to receive them promptly after such notice is served, the liability of the railroads thereafter shall be the same as that of warehousemen.

Sec. 10. The passenger fare upon all railroads in this state shall be three cents per mile, with an allowance of baggage to each passenger, not to exceed 100 pounds in weight; provided, however, that where the fare is paid to the conductor the rate shall be four cents per mile, except from stations where no tickets are sold, and that the minimum charge in no case shall be less than twenty-five cents; provided, further, that when the passenger fare does not end in five or eighth, the nearest sum so ending shall be the fare.

Sec. 11. That direct and prompt remedies may be had, and penalties enforced in case of violations of any laws herein named, it is made the special duty of the attorney-general, whenever information is filed with him by the state engineer, or any other persons, that any railroad company in this state has violated any provision of the laws of the state, providing for the transportation of passengers or freight, or is unjustly discriminating in its charges for transportation against any person or place in the state, or is guilty of extortion in its charges for transportation of passengers and freight, or for improper condition of road-bed, track, bridges or other structures, cars, station-houses or platforms, to give ten days notice in writing to said corporation of such complaint, and after an investigation of the matter, he may proceed to determine whether the matters complained of are violations of the law, and shall give notice to the said company of his decision respecting the same; and if any such violation of the law is continued after the actual damage is not paid to the party aggrieved within ten days after such notification, he may cause proceedings to be instituted against said railroad company or companies to recover the penalties provided by law.

Sec. 12. The near approach of the close of the session, and the importance of a law regulating the management and control of railroads in this state, creates an imperative public necessity and emergency; that the constitutional rule of requiring bills to be read on three several days should be suspended, and that this act takes effect and be in force from and after its passage; and it is so enacted.

TEXAS TOPICS.

Colorado City is to soon have forty miles of telephone wire.

John Evetts is in jail at Gainesville on the charge of horse stealing.

The post-office at Fate, Rockville county, was robbed last Wednesday.

The Colorado and Clear Fork Cattle Association is now in session at Colorado City.

Horse thieves have been operating vigorously in Lavaca and Colorado counties.

Hico is to have a new paper, Col. George P. P. Holcombe editor and proprietor.

The Texas Bee-Keepers Convention will meet in McKinney on the 17th and 18th of April.

The residence of J. H. Cage of Stephenville, Erath county, was destroyed by fire on the 11th.

The sleeper and ladies car on the T. & P. near Colorado were upset by an open switchman Monday and several people injured.

A numerous signed petition is in circulation asking the governor to advance Sergeant Rudel to the captaincy of the state troops.

Mr. Sid Bass of Hillsboro, is in the city, and from him we learn something of the character of Tom Varnell, the villain who ruined Miss Land and murdered her father at a ball near Hubbard City the other night. He is under two bonds at present: one for killing a negro without any provocation whatever, and another for cutting a man. It is currently reported that his father and grandfather were both lynched for crimes similar to that committed by Tom. He is noted for his domineering disposition, and said to know nothing of fear. One of his delights has been to attend country dances and break them up. Not long since he went to a ball in Hillsboro uninvited, and in course of the evening requested a young lady with whom he had no acquaintance to dance with him. She refused and he fancied that the young man who accompanied her to the ball had something to do with her answer, so he invited him out of the house, telling him that he wished to put a hole through him. The young man did not respond. Next day Varnell went to his place of business and walked to and fro for half an hour in front of the door, waiting for an opportunity to shoot the gentleman whom he supposed had wronged him. He did not get a chance to shoot, and his temper cooled down before next meeting. He was not acquainted with the Land family, and had never been in their house before the night of the ball. He was well armed when last heard from, and had three companions. Sid thinks he will not leave the country, but hide around until he is killed or captured.

—Terrell Star.

We are indebted to the Dodge Times

for the following bit of news that is of interest to ranchmen: George B. Loving, president of the Texas Investment Company, sailed for Europe this week where he goes in the interest of his company. Loving is doing a grand work for Texas in this enterprise, one that will bring thousands of European capitalists to our shores.—Clarendon News.

On Tuesday last Deputy Sheriff J. J. Douglas and Bauegard Webb went down on Caddo to capture Shea and Mac Barker, brothers, who were wanted to answer to charges of theft of stock. Learning the whereabouts of the game, Douglas summoned Sanders and Webster, residents of the immediate vicinity, to assist in making the arrest. The Barkers were found in the timber, three miles south of the Caddo about 1 o'clock in the evening. The posse separated, Douglas and Sanders approaching from one direction and Bauegard Webb and Weaver from another. The Barkers opened fire on Webb and his companion as they approached, and a general fight ensued in which a number of shots were exchanged between the thieves and the attacking parties, resulting in the killing of Webb's horse and the wounding of Mac Barker in the hip. The sheriff's posse were at a disadvantage in the fight, being on open ground, while the Barkers were protected by the timber, under the cover of which they escaped. They took a course west, and Douglas and Webb are on the trail, determined, if possible, to hunt them down. Douglas states that Sanders, who accompanied him in the fight, was armed with a shotgun, but failed to fire a shot.—Breckenridge Citizen.

AGRICULTURE IN TEXAS.

Wheat and oats that were considered badly winter-killed promise to make a fair yield.

A Collins correspondent says the wheat prospect is slim, and farming generally backward and owing to the hard winter a great many cattle have died.—Roll Point Post.

Mart Rollins, who lives about three miles east of town, is responsible for the statement that a colt was foaled on his farm the other day which resembled the sire to such an extent that the brand of the old horse was plainly visible on the colt.—Farmersville Mercury.

We were told to-day by a gentleman direct from the Carrizo mountains, near Sierra Blanca, that the cattle men are coming into that region very rapidly, and that in the course of a few more months there will be 5,000 head. The mines, he says, here are also beginning to attract considerable attention. He feels confident that in the course of time the country around Sierra Blanca will be one of the best mining districts in the whole west.—El Paso Times.

Lovers of fine stock have had an opportunity to feast their eyes on some of the prettiest ever brought to the country this week. They were brought here from Kentucky by Mr. Mace, a brother-in-law of W. B. Martin, J. D. Gray & Co. purchased several head of Durhams and one Jersey cow, all of which are superior looking animals. These gentlemen now have about two hundred head of fine cattle and will establish a fine stock farm.—Terrell Star.

OPINIONS OF TEXAS EDITORS.

The unanimous verdict of our visitors is that Fort Worth is a daisy.—GAZETTE.

We always thought that the daisy was a modest flower. If we are correct, the metaphor is far-fetched.—Gainesville Register.

We have all heard of gambling in futures but when a man attends a church fair and risks all of his available cash on the chance of getting a cake to give to his best girl, that's gambling in presents.—Gainesville Register.

The cattlemen's convention at Fort Worth was the principal event of the week. Many of our citizens and prominent cattlemen went down to help the boys stand on the street corners and tussle for the diminutive grade of comfort supposed to be in the modern hotel bed but like the north pole it lies beyond many a hardship.—Pilot Point Post.

A chair constructed of the horns of Texas cattle is being made in San Antonio to be sent to ex-Senator David Davis. It must be a whopper.—Georgetown Record.

TEXAS IMPROVEMENTS.

An Odd Fellows' Temple is to be built at Terrell.

A number of brick residences to be erected this summer have been contracted for at Terrell.

The Alexander Mills Company has been incorporated to do a general milling and ginning business at Alexander. The incorporators are M. S. Crow, J. H. Cage, N. C. Baldwin, J. L. Crook, D. R. Burroughs and a number of others. The capital stock is \$12,000 and the company will soon erect good flouring and ginning mills and a cotton gin.—Stephenville Empire.

Among the favorable indications for good prices in wool next season we mention that already some Eastern buyers, representing factories are contracting for spring clips. We know of one wool grower with a large number of good sheep, who has sold, ranch delivery, at 19 cents per pound. This he says is equal to 22 cents per pound, railroad delivery. We really expect to get more than this for our clip, "but there's nothing like knowing when you've got a good thing."—Texas Wool Grower.

It is an old saying and a true one, that "blood will tell." But it is equally as true, that "care will tell." We do not care how blue and rich the blood is without care it will not "tell" to any very considerable extent. But even an animal that is not so blue blooded, thoroughly well cared for will "tell" in big cash notes. It pays to treat any stock well, especially sheep, and the sheep particularly need good treatment.—Texas Wool Grower.

AKER'S BLOOD ELIXIR guaranteed will cure all kinds of blood poisoning, inherited or contracted. Sold by C. W. Barradall. 126 dwood 1w

EASTLAND COUNTY.

The Rapid Approach of Spring—Rapid Development—Other Interesting Notes. Correspondence of the Gazette.

Eastland, March 12.—The rapid approach of spring with its attendant buds, blossoms, etc., and that most eagerly looked for and much appreciated staple of life in this country, viz: mesquite grass, seems to brighten the faces of our stock and farming population and to bring about an appearance of activity and thrift, not near so perceptible a few weeks ago during the severity of winter. The disastrous effects to stock, cattle and sheep, has been worse than for many years past, but those effects have passed from sight and we anticipate as the season seems to indicate another year as prosperous as the last in the way of fine crops and abundant range.

Eastland county is fast filling up with a busy, intelligent population, but we fear that the increase in the price of state school lands by our last legislature, if it becomes a law, fixing the minimum at three dollars per acre, will have the effect of retarding our growth to some extent. The great desideratum to people who seek new homes in the west is to get those homes cheap. Our county is composed of nearly half of these school lands and the price has been one dollar per acre on twenty years time.

Eastland has an artesian well now about one thousand feet in depth with water nearly to the top of the ground and our energetic friend is still boring down.

It was thought a day or two ago that a subterranean river had been discovered; while drilling in the well the large heavy drill suddenly broke through a strata of rock and was precipitated some distance below making a hollow sound as though in a cavern and then again striking a hard bottom. They are now drilling on this second bottom and Mr. E— says will "point it out too" or have water running from the top. Our county jail now contains two quite youthful criminals aged respectively twelve and fourteen years, the elder charged with theft of a horse and just hailing from Chicago, and the younger is from Tennessee. He is charged with changing money— from the hands of J. L. Tindall to his own without Tindall's consent, and the said Tindall now pleads a want of consideration for the sum of twenty dollars, the amount so ruthlessly snatched from him by the said youngster. The state of Texas has made herself a party and causes the youngster to languish in jail until further proceedings can be had before the grand jury.

The GAZETTE comes to us regularly. It is decidedly the best daily paper of northwest Texas, and we earnestly believe and hope that the vast territory west of and tributary to Fort Worth will continue to increase the liberal patronage to the GAZETTE which its merit so richly deserves.

Rescued from Death.

William J. Coughlin of Somerville, Mass., says: In the fall of 1876, I was taken with BLEEDING OF THE LUNGS followed by a severe cough. I lost my appetite and flesh, and was confined to my bed. In 1877 I was admitted to the hospital. The doctors said I had a hole in my lung as big as a half dollar. At one time a report went around that I was dead. I gave up hope, but a friend told of DR. WILLIAM HALL'S BALSAM FOR THE LUNGS. I got a bottle, when to my surprise, I commenced to feel better, and to-day I feel better than for three years past. 3-14-dwood 1w

EVERY PROMISE backed by a guarantee. Acker's Dyspepsia Tablets will give immediate relief. Price 25 and 50 cents. Sold by C. W. Barradall. 126 dwood 1w

SEEK

health and avoid sickness. Instead of feeling tired and worn out, instead of aches and pains, wouldn't you rather feel fresh and strong?

You can continue feeling miserable and good for nothing, and no one but yourself can find fault, but if you are tired of that kind of life, you can change it if you choose.

How? By getting one bottle of BROWN'S IRON BITTERS, and taking it regularly according to directions.

Massfield, Ohio, Nov. 26, 1881.

Gentlemen:—I have suffered with pain in my side and back, and great soreness on my breast, with shooting pains all through my body, attended with great weakness, depression of spirits, and loss of appetite. I have taken several different medicines, and was treated by prominent physicians for my liver, kidneys, and spleen, but I got no relief. I thought I would try Brown's Iron Bitters. I have now taken one bottle and a half and am about well—pain in side and back all gone—soreness all out of my breast, and I have a good appetite, and am gaining in strength and flesh. It can truly be called the king of medicines. JOHN K. ALLENBERG.

BROWN'S IRON BITTERS is composed of Iron in soluble form; Cinchona the great tonic, together with other standard remedies, making a remarkable non-alcoholic tonic, which will cure Dyspepsia, Indigestion, Malaria, Weakness, and relieve all Lung and Kidney diseases.

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Hardware, Stoves and Tinware

Glassware, Queensware and Crockery, Dinner and Tea Sets and Housewifery goods. Holiday goods in abundance. Bought low, and sold for sale at prices that defy competition.

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